

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

JESSICA DAVENPORT,

Plaintiff,

v.

NICHOLAS BURIST, and MAYFLOWER  
TRANSIT, LLC,

Defendants.

CIVIL ACTION NO.: 2:24-cv-51

**ORDER**

Counsel for Plaintiff filed a Motion to Vacate the Stay. Doc. 34. Counsel explains Plaintiff Jessica Davenport died in 2024. Id. This case has been stayed since September 6, 2024, to allow counsel to locate potential plaintiffs to replace Plaintiff Davenport in the litigation. Docs. 28, 33. On February 7, 2025, counsel filed a notice stating that Kelly Cullen, Charles Davenport's first wife and the biological mother of two of his children, retained him to prosecute the litigation. Doc. 35. Because the purpose of the stay has been fulfilled, counsel seeks an order vacating the stay. Defendants have not responded to the Motion.

"If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative." Fed. R. Civ. P. 25(a)(1). No party has filed a motion to substitute. Therefore, the Court **DENIES** the Motion to Vacate the Stay. The parties are encouraged to

refile the motion after moving to substitute a proper plaintiff.

**SO ORDERED**, this 5th day of March, 2025.

A handwritten signature in blue ink, appearing to read "B. Cheesbro", written in a cursive style.

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BENJAMIN W. CHEESBRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA